ORDINANCE NO. 2005 -049

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO AMEND POLICY REGARDING THE TIME FRAME ASSOCIATED WITH THE DEVELOPMENT OF THE **CORRIDOR MASTER PLANS**); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 30, 2005 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on November 28, 2005 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Transportation Element,** to amend policy regarding the time frame associated with the development of the corridor master plans; and

B. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28 day of November, 2005.

ATTEST:
SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 6th day of December, 2005.

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EXHIBIT 1

REVISIONS: To revise and update. The revisions are shown below with the added text underlined, and the deleted text ~~struck out.~~

Transportation Element, Corridor Master Plan Time Frame Update

REVISED Policy 1.1-n: Buildout Analysis: In corridors where the adopted LOS may not be achieved pursuant to the 2025 Transportation System for Palm Beach County Highway Component prepared by the Palm Beach MPO, the County will institute a process to develop individual Corridor Master Plans to address each projected corridor failure. The ULDC shall provide specific guidelines for buildout analysis and specific timelines for the completion of the Corridor Master Plans.

The County, affected municipalities, and affected property owners shall develop Corridor Master Plans for the following roadway segments:

- 10th Avenue North from I-95 to Kirk Road.
- 45th Street from Military Trail to Australian Avenue.
- Alternate AIA from US 1 to PGA Boulevard
- Atlantic Avenue from Turnpike to Jog Road.
- Beeline Highway from Jog Road to Blue Heron Boulevard.
- Blue Heron Boulevard from Beeline Highway to I-95.
- Boynton Beach Boulevard from Lyons Road to Jog Road.
- Congress Avenue from I-95 to Westgate Avenue.
- Forest Hill Boulevard from Southern Boulevard (SR 80) to Jog Road.
- Glades Road from Turnpike to NW 4th Avenue.
- Haverhill Road from Summit Boulevard to 10th Avenue North.
- Indiantown Road from I-95 to Alternate AIA.
- Jog Road from Belvedere Road to Lantana Road.
- Linton Boulevard from I-95 to US 1
- Lyons Road from Belvedere Road to Lake Worth Road.
- Military Trail from Blue Heron Boulevard to Roebuck Road.
- Northlake Boulevard from Military Trail to Old Dixie Highway.
- Northlake Boulevard from SR 7 to Beeline Highway
- Okeechobee Boulevard from Benoist Farms Road to Tamarind Avenue.
- Palmetto Park Road from Turnpike to NW 4th Avenue.
- PGA Boulevard from Turnpike to Prosperity Farms Road.
- Powerline Road from Palmetto Park Road to Broward County.
- Prosperity Farms Road from Hood Road to Northlake Boulevard.
- SR 7 from Okeechobee Boulevard to Lake Worth Road.
- US 1 from Martin County to Alternate AIA.
- US 1 from Linton Boulevard to Glades Road.
- US 1 from Ocean Drive to PGA Boulevard.
- US 1 from W. 13th Street to Quadrille Boulevard.

The Corridor Master Plans will be accomplished in cooperation with the affected local governments and property owners within each Corridor. At a minimum, the Corridor Master Plans will consider mitigation methods to maintain good mobility within the corridor, including but not limited to: land use modifications, connectivity, mixed-use developments, alternative modes of transportation and increased roadway capacity.

The following Corridor Master Plans shall be completed by December 31, 2007:

- Boynton Beach Boulevard from Lyons Road to Jog Road.
- Okeechobee Boulevard from Benoist Farms Road to Tamarind Avenue.
- Atlantic Avenue from Turnpike to Jog Road.
- Forest Hill Boulevard from Southern Boulevard (SR 80) to Jog Road.
- SR 7 from Okeechobee Boulevard to Lake Worth Road.

The following Corridor Master Plans shall be completed by December 31, 2009:

- Northlake Boulevard from Military Trail to Old Dixie Highway.
- 10th Avenue North from I-95 to Kirk Road.
- Jog Road from Belvedere Road to Lantana Road.
- Northlake Boulevard from SR 7 to Beeline Highway.

Once a corridor Master Plan has been adopted for a corridor, no project with significant traffic on the corridor shall be approved for development by the County or a municipality unless it complies with the Corridor Master Plan. Nothing in this policy shall be used to limit the issuance of any Development Orders until the Corridor Master Plan has been adopted by the County and affected municipalities. The remaining Corridor Master Plans shall be in place by ~~September 30, 2005~~December 31, 2011.

November 28, 2006
12/20/06
Diane Brown
Deputy Clerk